

PATENT APPLICATION #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas ROITSCH

Application No.: 10/009,966

Filed: December 12, 2001

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE  
UNDER U.S.C. 371

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Defective Response under U.S.C. 371, dated July 29, 2002, the period for response having expired on August 29, 2002, Applicant submits herewith:

1. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b), which includes the required statement that the entire delay in filing the required response was unintentional;
2. A fee of \$650 (small entity) under 37 C.F.R. 1.17(m) for the Petition of item (1),
3. A substitute paper copy and a compact disc of the corrected sequence listing prepared using PatentIn Software, version 3.2;
4. A Third Preliminary Amendment directing entry of the sequence listing into the specification;
5. A Statement of Conformity asserting that the paper and compact disc copies of the sequence listing are identical; and
6. A copy of the Notification of Defective Response.

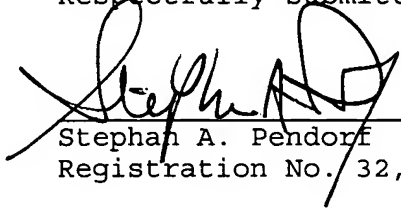
U.S. Application No.: 10/009,966  
RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE  
Attorney Docket: 3524.012

Applicant asserts that he is entitled to Small Entity status. A claim of small entity status was made at the time of filing (see transmittal letter).

The Examiner is respectfully requested to acknowledge receipt of the above documents.

Respectfully submitted,

PENDORF & CUTLIFF  
P.O. Box 20445  
Tampa, Florida 33622-0445  
(813) 886-6085

  
Stephan A. Pendorf  
Registration No. 32,665

Date: June 5, 2003

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE UNDER U.S.C. 371 for U.S. Application No. 10/009,966 filed December 12, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 5, 2003.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
Bonnie L. Horst

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
**3524.012**

In Re Application Of:

**Thomas ROITSCH**

Serial No.

**10/009,966**

Filing Date

**December 12, 2001**

Examiner

**Formalities : Holland, T.**

Group Art Unit

**Not assigned**

Invention:

**PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME**

Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: **Response to Notification of Defective Response: 371 Formalities**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on **December 12, 2001**

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
**3524.012**

In Re Application Of:  
**Thomas ROITSCH**

Serial No.  
**10/009,966**

Filing Date  
**December 12, 2001**

Examiner  
**Formalities : Holland, T.**

Group Art Unit  
**Not assigned**

Invention:

**PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME**

**Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$650.00
8. ☐ Fee for amendment in the amount of: \_\_\_\_\_
9. ☐ Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_
10. ☐ Issue fee in the amount of: \_\_\_\_\_
11. ☐ Continuing application filing fee in the amount of: \_\_\_\_\_
12. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
13. ☐ \_\_\_\_\_

Total fees enclosed: \$650.00

The fee of **\$650** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to  
Deposit Account No. **16-0877**

03/21/2003 EFREY1 00000095 10009966

03/21/2003 650.00 03

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
**3524.012**

In Re Application Of:

**Thomas ROITSCH**

Serial No.

**10/009,966**

Filing Date

**December 12, 2001**

Examiner

**Formalities : Holland, T.**

Group Art Unit

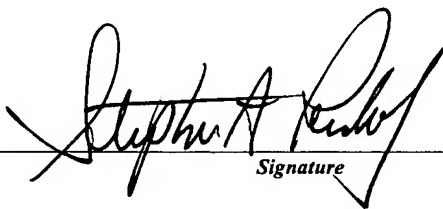
**Not assigned**

Invention:

**PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME**

**Statement**

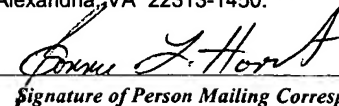
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
*Signature*

Dated: **June 5, 2003**

**Stephan A. Pendorf, Registration No.: 32,665**

I certify that this document and fee is being deposited  
on **June 5, 2003** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Mail Stop Petition, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.

  
*Signature of Person Mailing Correspondence*

**Bonnie L. Horst**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (.

In re Application of:

Thomas **ROITSCH**

Application No.: 10/009,966

Filed: **December 12, 2001**

For: **PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME**

Atty Docket: **3524.012**

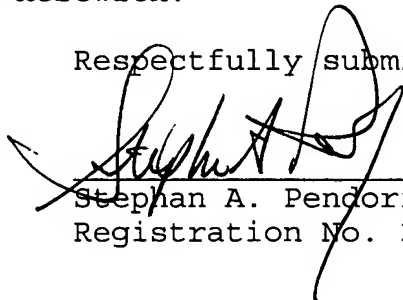
**STATEMENT OF CONFORMITY**

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby stated that the information recorded on the data carrier submitted herewith is identical to the written sequence listing submitted herewith.

Respectfully submitted,



Stephan A. Pendorf  
Registration No. 32,665

PENDORF & CUTLIFF  
P.O. Box 20445  
Tampa, Florida 33622-0445  
(813) 886-6085

Date: **June 5, 2003**

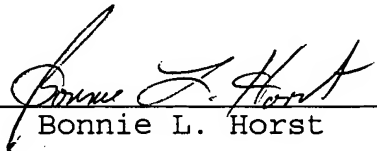
U.S. Patent Application No.: 10/009,966  
Statement of Conformity

Attorney Docket: 3524.012

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing **STATEMENT OF CONFORMITY** for U.S. Application No. **10/009,966** filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop Sequence, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 5, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
\_\_\_\_\_  
Bonnie L. Horst

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas ROITSCH

Application No.: 10/009,966

Filed: December 12, 2001

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

THIRD PRELIMINARY AMENDMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

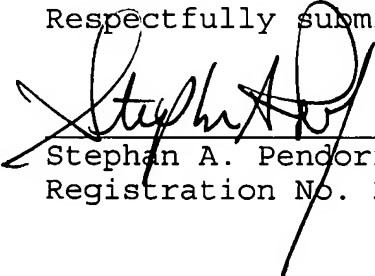
Sir:

Prior to examination of the above-identified application, please enter the substitute paper copy and compact disc containing the "Sequence Listing" into the specification.

Care has been taken to ensure that no new matter is added to the text.

Entry and favorable consideration prior to consideration are respectfully requested.

Respectfully submitted,

  
Stephan A. Pendorf  
Registration No. 32,665

PENDORF & CUTLIFF  
5111 Memorial Hwy  
Tampa, Florida 33634-7356  
(813) 886-6085

Date: June 5, 2003



U.S. Application No.: 10/009,966  
SECOND PRELIMINARY AMENDMENT

Attorney Docket: 3524.012

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing **PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME** for U.S. Application No. 10/009,966 filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 5, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
\_\_\_\_\_  
Bonnie L. Horst



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,966	Thomas Roitsch	3524/012

INTERNATIONAL APPLICATION NO.
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PCT/DE00/01944

LA. FILING DATE	PRIORITY DATE
06/13/2000	06/12/1999

Pendorf & Cutliff  
 501 First Avenue North  
 Suite 507 Post Office Box 15095  
 St Petersburg, FL 33733

CONFIRMATION NO. 3226

371 FORMALITIES LETTER



\*OC000000008518215\*

Date Mailed: 07/29/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
  - Additional claim fees of **\$249** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$249** for a Large Entity:

- Total additional claim fee(s) for this application is **\$249**
  - **\$42** for **7** independent claims over 3.
  - **\$207** for **23** total claims over 20.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND,

Telephone: (703) 305-5483

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,966	PCT/DE00/01944	3524/012